

Committee Agenda

Committee: Senate Agriculture and Natural Resources  
Room: 412  
Date: Tuesday, February 9, 2010  
Time: 10:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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**No Meeting  
Tuesday, February 9, 2010**

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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LARRY RHODEN, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Commerce

Tuesday, February 09, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Gant  
E Merchant  
P Nelson, Vice-Chair  
P Nesselhuf  
P Turbak Berry  
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 4, 2010

Moved by: Nesselhuf  
Second by: Gant  
Action: Prevailed by voice vote.

SB 90: provide an exception from one-call notification requirements to natural gas operators in emergency situations.

See prior testimony of Thursday, February 4, 2010

Presented by: Senator Tom Hansen  
Proponents: Pamela Bonrud, Northwestern Energy

MOTION: DO PASS SB 90

Moved by: Nesselhuf  
Second by: Gant

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Gant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

Excused: Merchant

SB 125: revise certain provisions relating to violations associated with the statewide one-call notification system.

See prior testimony of Thursday, February 4, 2010

Presented by: Margo Northrup, South Dakota Association of Rural Water Systems

Proponents: Larry Janes, SD One Call

MOTION: AMEND SB 125

125ta

On page 1, line 8, of the printed bill, delete everything after "brought" and insert "~~within ninety days of the alleged violation~~ not later than ninety days after the discovery of the alleged violation, but in no case may the complaint be brought more than one year after the date of the alleged violation. Any".

Moved by: Nesselhuf

Second by: Gant

Action: Prevailed by voice vote.

MOTION: DO PASS SB 125 AS AMENDED

Moved by: Nelson

Second by: Gant

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Gant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

Excused: Merchant

MOTION: PLACE SB 125 ON CONSENT CALENDAR

Moved by: Gant

Second by: Nesselhuf

Action: Prevailed by voice vote.

SB 119: permit an auctioneer to offer an opinion regarding the value of property.

THE CHAIR DEFERRED SB 119 UNTIL THURSDAY, FEBRUARY 11, 2010

SB 116: require that certain insurers provide notice by certified or registered mail under certain circumstances.

THE CHAIR DEFERRED SB 116 UNTIL THURSDAY, FEBRUARY 11, 2010

MOTION: ADJOURN

Moved by: Nelson

Second by: Gant

Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Russell Olson, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Education

Tuesday, February 09, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Gray  
P Jerstad  
P Knudson, Vice-Chair  
P Nesselhuf  
P Olson (Russell)  
P Peterson  
P Garnos, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Cooper Garnos, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 4, 2010

Moved by: Gray  
Second by: Olson (Russell)  
Action: Prevailed by voice vote.

SB 156: require that determinations in both adult and juvenile court proceedings relative to a controlled substance violation of a high school student participating in extracurricular activities be reported to the South Dakota High School Activities Association and to the school administrator.

Presented by: Senator Bob Gray  
Proponents: Lindsey Riter-Rapp, High School Activities, Assn.  
Opponents: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS SB 156

Moved by: Olson (Russell)

Second by: Gray  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 156 UNTIL TUESDAY, FEBRUARY 16, 2010.

Moved by: Knudson  
Second by: Jerstad  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

SB 124: equate, within certain limits, the annual percentage increase in per student funding for general education and for special education to the projected change in state general fund revenue, and to require the Legislature to estimate general fund revenues for the current fiscal year and the next fiscal year.

MOTION: AMEND SB 124

124cb

On page 3, line 21, of the printed bill, after "all" delete "revenue" and insert "continuing receipts".

On page 3, after line 24, insert:  
"

(2F) "Adjusted state general fund increase," equals the projected state general fund increase for school fiscal years 2012 and 2013. Beginning with school fiscal year 2014, it equals the difference between the calculation in (a) and the calculation in (b) as follows:

- (a) Calculate the percentage change in the projected state general fund revenue for the year of adjustment compared to the actual state general fund revenue for the fiscal year five years prior to the year of adjustment. However, if the year of adjustment is school fiscal year 2014 or 2015, the percentage change comparison is between the year of adjustment and school fiscal year 2011;
- (b) Calculate the percentage change in the per student allocation for the fiscal year prior to the year of adjustment compared to the per student allocation for the fiscal year five years prior to the year of adjustment. However, if the year of adjustment

is school fiscal year 2014 or 2015, the percentage change comparison is between the year prior to the year of adjustment and school fiscal year 2011;".

On page 4, line 1, delete "projected" and insert "adjusted".

On page 6, line 7, after "source." insert "General fund revenue shall be further classified as either continuing receipts or one-time receipts.".

On page 6, delete lines 17 to 20, inclusive.

On page 6, line 21, delete everything after "equal to the" and insert "index factor calculated pursuant to section 1 of this Act;".

On page 6, delete lines 22 to 24, inclusive, and insert:

"

~~the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;".~~

On page 7, delete lines 1 to 4, inclusive.

On page 7, line 5, delete everything after " "General fund adjustment,"" and insert "is equal to the general fund adjustment calculated pursuant to section 1 of this Act;".

On page 7, delete lines 6 to 10, inclusive.

Moved by: Knudson  
Second by: Gray  
Action: Prevailed by voice vote.

MOTION: AMEND SB 124

124cc

On page 4, line 15, of the printed bill, delete "\$4,804.60" and insert "\$4,862.26".

Moved by: Jerstad  
Second by: Peterson  
Action: Failed by roll call vote. (2-4-1-0)

Voting Yes: Jerstad, Peterson

Voting No: Gray, Knudson, Olson (Russell), Garnos

Excused: Nesselhuf

MOTION: DO PASS SB 124 AS AMENDED

Moved by: Knudson

Second by: Gray

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

SB 183: exclude students served in residential treatment facilities from the calculation of the small school adjustment in the state aid to general education formula.

Presented by: Tom Oster, Secretary Department of Education

Proponents: Senator Mike Vehle

Dick Tieszen, Rapid City and Sioux Falls School Districts

MOTION: AMEND SB 183

183ca

On page 1 of the printed bill, delete lines 12 to 15, inclusive, and insert:

"

The determination of the small school adjustment for a school district may not include any students residing in a residential treatment facility operated by the school district;".

Moved by: Knudson

Second by: Jerstad

Action: Prevailed by voice vote.

MOTION: DO PASS SB 183 AS AMENDED

Moved by: Knudson



Second by: Gray  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

MOTION: AMEND TITLE OF SB 183

183cta

On page 1, line 2, of the printed bill, delete "calculation" and insert "determination".

Moved by: Jerstad  
Second by: Peterson  
Action: Prevailed by voice vote.

SB 194: revise provisions related to school district tuition for children placed in certain state institutions.

Presented by: Senator Gary Hanson  
Proponents: Gerry Kaufman, Sisseton School District, Huron  
Dick Tieszen, Rapid City and Sioux Falls School Districts  
Opponents: Shayne McIntosh, Parkston, Self  
Representative Bill Van Gerpen

MOTION: AMEND SB 194

194ca

On page 1, line 13, of the printed bill, delete everything after "~~residence~~" and insert "and is enrolled, only if the child, not otherwise eligible under the Individuals with Disabilities Education Improvement Act of 2004, as amended to January 1, 2010, was placed at the group home or private child-care center by the school district where the child has school residence and is currently enrolled.".

On page 1, delete lines 14 and 15.

Delete page 2.

Moved by: Knudson  
Second by: Nesselhuf  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 194 UNTIL THURSDAY, FEBRUARY 11, 2010.

SJR 7: Proposing and submitting to the electors at the next general election an amendment to Article VIII of the Constitution of the State of South Dakota relating to school districts expending public funds to support certain lawsuits against the State of South Dakota.

Presented by: Senator Larry Rhoden  
Proponents: Senator Dave Knudson  
Opponents: Jim Hutmacher, SD Coalition of Schools  
Bill Engberg, Associated School Boards of SD  
Shayne McIntosh, Parkston, Self

MOTION: DEFER SJR 7 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Nesselhuf  
Second by: Peterson  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Jerstad, Nesselhuf, Peterson, Garnos

Voting No: Gray, Knudson, Olson (Russell)

MOTION: ADJOURN

Moved by: Olson (Russell)  
Second by: Gray  
Action: Prevailed by voice vote.

Cheri Hauschild  
Committee Secretary

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Cooper Garnos, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Judiciary

Tuesday, February 09, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

E Gillespie  
E Heidepriem  
E Schmidt  
P Tieszen, Vice-Chair  
E Turbak Berry  
P Vehle  
E Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Vice-Chair.

The meeting was cancelled due to lack of a quorum (inclement weather).

Rena Ortbahn  
Committee Secretary

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Craig Tieszen, Vice-Chair